

# **EXHIBIT G**

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ALL NIPPON AIRWAYS COMPANY, LTD.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ALL NIPPON AIRWAYS COMPANY  
LTD., Plaintiff,  
vs.  
UNITED AIR LINES, INC.,  
Defendant.

Case No. C07-03422 EDL

## **ALL NIPPON AIRWAYS COMPANY, LTD.'S RESPONSE TO UNITED AIR LINES, INC.'S FIRST REQUEST TO PRODUCE**

#### 20 AND RELATED COUNTER-CLAIM

Plaintiff and Counter-Defendant, ALL NIPPON AIRWAYS COMPANY, LTD. (hereinafter referred to as "ANA"), by and through its attorneys, Condon & Forsyth LLP, hereby responds to UNITED AIR LINES, INC.'S (hereinafter referred to as "UAL") First Request to Produce as follows:

## **GENERAL OBJECTIONS**

26 ANA hereby asserts the following General Objections, which are in addition  
27 to, and are incorporated within, each of the specific Responses set forth below:

1       1. ANA objects to each Request and each Definition, to the extent it  
2 seeks discovery that is inconsistent with or enlarges the scope of permissible  
3 discovery under the Federal Rules of Civil Procedure.

4       2. ANA objects to each Request to the extent it seeks discovery of  
5 matters protected by the attorney-client privilege, the attorney work-product  
6 doctrine, or other applicable privilege or protection. ANA objects to each and  
7 every Request to the extent that it calls for the disclosure of any information or  
8 document, which was prepared in anticipation of litigation or for trial, which  
9 otherwise constitutes work product or attorney-client privileged information, which  
10 is protected by the self-evaluative privilege, the joint defense privilege, applicable  
11 state or federal regulations, or other applicable privilege, or which otherwise is  
12 immune from discovery. Such privileged information will not be disclosed and  
13 any inadvertent disclosure thereof will not be deemed a waiver of any privilege or  
14 protection.

15      3. ANA objects to each Request to the extent it seeks the disclosure of  
16 trade secrets, confidential research and development, or other confidential  
17 proprietary and commercial information. Such privileged information will not be  
18 disclosed and any inadvertent disclosure thereof will not be deemed a waiver of  
19 any privilege or protection.

20      4. ANA objects to each Request to the extent it calls for information that  
21 already is, or the production of documents that already are, in UAL's possession,  
22 custody, or control, or equally available to UAL on the grounds that the Request is  
23 unreasonably cumulative and duplicative. ANA further objects to collecting  
24 documents from the public domain for purposes of production on the ground that  
25 such documents are equally available to UAL.

26      5. ANA objects to each Request to the extent that it is overly broad,  
27 unduly burdensome, unduly repetitive and intended to harass ANA.

1           6. ANA objects to each Request to the extent that it seeks information  
2 that is not relevant to the subject matter of the action and is not reasonably  
3 calculated to lead to the discovery of admissible evidence.

4

5           **REQUESTS FOR PRODUCTION**

6           **REQUEST FOR PRODUCTION NO. 1:**

7 With regard to your claim "damages for loss of use in excess of \$1.5 Million as  
8 pled in the complaint in this litigation filed against United, produce all known  
9 documents which relate to and/or which you may or will rely upon in support of  
10 your intention as to the existence and the amount of such lost use damages.

11           **RESPONSE TO REQUEST FOR PRODUCTION NO. 1:**

12 See General Objections. Without waiving these objections, ANA states that it will  
13 produce all non-privileged documents currently in its possession, custody, or  
14 control, if any, that have not already been produced. See Bates Nos. ANA 001295  
15 through 001335.

16

17           **REQUEST FOR PRODUCTION NO. 2:**

18 With regard to ANA Pilot Teruo Usui, produce documents reflecting disciplinary  
19 action(s) of any type relating to him, whether relating to the accident at issue in  
20 this litigation or any other matter for which he was disciplined.

21           **RESPONSE TO REQUEST FOR PRODUCTION NO. 2:**

22 See General Objections. ANA also objects on the grounds that this Request is  
23 overly broad, not relevant to any claims or defenses, and not reasonably calculated  
24 to lead to the discovery of admissible evidence. ANA further objects on the  
25 grounds that any documents responsive to this request would be subject to Japan's  
26 Act on the Protection of Personal Information and subject to a determination by the  
27 individuals to assert the protection of the Act. ANA's crew members may waive  
28

1 personal protection under the Act and may produce the requested documents, if  
2 any exist, at their deposition.

3

4 **REQUEST FOR PRODUCTION NO. 3:**

5 With regard to ANA Pilot Bishin Yamaguchi, produce documents reflecting  
6 disciplinary action(s) of any type relating to him, whether relating to the accident  
7 at issue in this litigation or any other matter for which he was disciplined.

8 **RESPONSE TO REQUEST FOR PRODUCTION NO. 3:**

9 See General Objections. ANA also objects on the grounds that this Request is  
10 overly broad, not relevant to any claims or defenses, and not reasonably calculated  
11 to lead to the discovery of admissible evidence. ANA further objects on the  
12 grounds that any documents responsive to this request would be subject to Japan's  
13 Act on the Protection of Personal Information and subject to a determination by the  
14 individuals to assert the protection of the Act. ANA's crew members may waive  
15 personal protection under the Act and may produce the requested documents, if  
16 any exist, at their deposition.

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18 **REQUEST FOR PRODUCTION NO. 4:**

19 With regard to ANA Pilot Yusuke Nishiguchi, produce documents reflecting  
20 disciplinary action(s) of any type relating to him, whether relating to the accident  
21 at issue in this litigation or any other matter for which he was disciplined.

22 **RESPONSE TO REQUEST FOR PRODUCTION NO. 4:**

23 See General Objections. ANA also objects on the grounds that this Request is  
24 overly broad, not relevant to any claims or defenses, and not reasonably calculated  
25 to lead to the discovery of admissible evidence. ANA further objects on the  
26 grounds that any documents responsive to this request would be subject to Japan's  
27 Act on the Protection of Personal Information and subject to a determination by the

1 individuals to assert the protection of the Act. ANA's crew members may waive  
2 personal protection under the Act and may produce the requested documents, if  
3 any exist, at their deposition.

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5 **REQUEST FOR PRODUCTION NO. 5:**

6 With regard to the cockpit voice recorder in the ANA aircraft on the date of the  
7 incident involved in this litigation, produce an unedited copy of the CVR tape  
8 reflecting all conversation between the ANA crew and United ramp control, air  
9 traffic control, ground personnel and/or between the ANA pilots.

10 **RESPONSE TO REQUEST FOR PRODUCTION NO. 5:**

11 See General Objections. Without waiving these objections, the CVR recording  
12 will be made available for copying at the office of Condon & Forsyth LLP, 1901  
13 Avenue of the Stars – Suite 850, Los Angeles, CA 90067, subject to a  
14 Confidentiality Order acceptable to ANA's flight crew.

15

16 **REQUEST FOR PRODUCTION NO. 6:**

17 With regard to Teruo Usui, Bishin Yamaguchi, and Yusuke Nishiguchi, produce  
18 unredacted copies of all file materials reflecting with regard to each of these ANA  
19 pilots, any accident/incidents which they were involved between 1995 to date, any  
20 disciplinary actions between 1995 to date, and records pertaining to their training  
21 and certification between 1995 to date. To the extent you claim work  
22 product/privilege, provide a log with regard to those documents being withheld.

23 **RESPONSE TO REQUEST FOR PRODUCTION NO. 6:**

24 See General Objections. ANA also objects on the grounds that this Request is  
25 overly broad, unduly burdensome, not relevant to any claims or defenses, and not  
26 reasonably calculated to lead to the discovery of admissible evidence. ANA  
27 further objects on the grounds that any documents responsive to this request would

1 be subject to Japan's Act on the Protection of Personal Information and subject to a  
2 determination by the individuals to assert the protection of the Act. ANA's crew  
3 members may waive personal protection under the Act and may produce the  
4 requested documents, if any exist, at their deposition.

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6 **REQUEST FOR PRODUCTION NO. 7:**

7 With regard to the "Standard Ground Handling Agreement" including "Annex A -  
8 Ground Handling Services" and "Annex B - United Service IATA Standard  
9 Ground Handling Agreement" attached to the "Standard Ground Handling  
10 Agreement" between ANA and United in effect on October 7, 2003, produce all  
11 documents which reflect or pertain to the negotiating of the terms of this contract,  
12 the intent/interpretation of ANA with regard to the term contained in that contract,  
13 and the applicability or inapplicability of the agreement with regard to the events  
14 of October 7, 2003 at SFO which is the subject of this litigation. To the extent you  
15 claim any of these documents as work product/privileged, provide a log with  
16 regard to those documents being withheld.

17 **RESPONSE TO REQUEST FOR PRODUCTION NO. 7:**

18 See General Objections. Without waiving these objections, ANA states that it will  
19 produce all non-privileged documents currently in its possession, custody, or  
20 control, if any, that have not already been produced. See Bates Nos. ANA 001336  
21 through 001346.

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23 **REQUEST FOR PRODUCTION NO. 8:**

24 With regard to damages referenced in your complaint filed against United in this  
25 litigation relating to "repair costs in the amount of \$3,106,233.49," produce a copy  
26 of all known documentation which relates to and/or upon which you may or will  
27 rely in support of your calculations as to the nature and amount of the damages

1 sustained.

2 **RESPONSE TO REQUEST FOR PRODUCTION NO. 8:**

3 See General Objections. Without waiving these objections, ANA states that it will  
4 produce all non-privileged documents currently in its possession, custody, or  
5 control, if any, that have not already been produced. See Bates Nos. ANA 001295  
6 through 001335.

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8 **REQUEST FOR PRODUCTION NO. 9:**

9 With regard to any photographs, video and/or DVD relating to the damage to the  
10 ANA and/or United aircraft, or relating to the circumstances leading up to the  
11 collision which is at issue in this litigation, produce a complete, unedited color  
12 copy of same.

13 **RESPONSE TO REQUEST FOR PRODUCTION NO. 9:**

14 See General Objections. Without waiving these objections, ANA states that it will  
15 produce all non-privileged documents currently in its possession, custody, or  
16 control, if any, that have not already been produced. See Bates Nos. ANA 001071,  
17 001072, 001128, 001129, 001114 through 001127, 001154 through 001206, and  
18 001347 through 001354. Video and/or DVD will be made available for inspection  
19 and copying at the office of Condon & Forsyth LLP, 1901 Avenue of the Stars –  
20 Suite 850, Los Angeles, CA 90067.

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22 **REQUEST FOR PRODUCTION NO. 10:**

23 With regard to any ANA policy relative to ANA pilots clearing potential conflicts  
24 with other aircraft prior to or during taxi which was in effect before and/or after the  
25 incident involved in this litigation, produce a copy of same. To the extent the  
26 policy was modified, produce a copy of all versions of the policy.

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1           **RESPONSE TO REQUEST FOR PRODUCTION NO. 10:**

2       See General Objections. Without waiving these objections, ANA is currently  
3       searching its records to locate documents responsive to this request and will  
4       produce any non-privileged documents responsive to this request that may be  
5       located.

6       Dated: November 13, 2007           CONDON & FORSYTH LLP

7      
8       By: Marshall S. Turner  
9    MARSHALL S. TURNER (*pro hac vice*)  
10    SCOTT D. CUNNINGHAM

11    Attorneys for Plaintiff  
12    ALL NIPPON AIRWAYS COMPANY, LTD.  
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**CERTIFICATE OF SERVICE**

The undersigned certifies that a copy of the foregoing ALL NIPPON AIRWAYS COMPANY, LTD.'S RESPONSE TO UNITED AIR LINES, INC.'S FIRST REQUEST TO PRODUCE was mailed this 13<sup>TH</sup> day of November, 2007, to:

6 Scott R. Torpey, Esq. 7 Jaffe, Raitt, Heuer & Weiss 8 2777 Franklin Road, Suite 2500 9 Southfield, MI 48034-8214 Phone: (248) 727-1461 Fax: (248) 351-3082	10 Attorneys for defendant
11 Jeffrey A. Worthe, Esq. 12 Worthe, Hanson & Worthe The Xerox Centre 1851 East First Street, Ninth Floor Santa Ana, CA 92705	13 Attorneys for defendant

14 in a properly addressed wrapper in an official depository under the exclusive care  
15 and custody of the United States Post Office Department within the State of New  
16 York.

HEATHER L. JACKSON

17 Sworn to before me this  
18 13th day of November, 2007

19 TINA M. ZOCCAL  
20 Notary Public

21  
22 TINA M. ZOCCAL  
Notary Public, State of New York  
No. 01206059025  
23 Qualified in Rockland County  
Commission Expires May 21, 20 11